

GREGORY L. WILDE NV Bar No. 004417
WILDE & ASSOCIATES
208 South Jones Blvd.
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Electronically Filed on _____

Attorneys for Movant
BAYVIEW LOAN SERVICING, LLC, servicing agent for Mortgage Electronic Registration
Systems, Inc.
Client No: B23138

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEVADA

In re

MICHAEL T. GRIMMETT and
JENNI F. GRIMMETT,

Debtors.

Bk. No. 10-14658-lbr

Chapter 13

NOTICE OF ENTRY OF ORDER
GRANTING RELIEF FROM AUTOMATIC
STAY

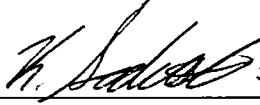
Date: 7/21/2010
Time: 10:30 am

ESTIMATED TIME: 5 Minutes

PLEASE TAKE NOTICE that on the 23RD day of August, 2010, ORDER GRANTING
RELIEF FROM AUTOMATIC STAY was entered by the court. Copy of said order is attached
herewith.

Dated: _____

Submitted by:

 #10235
GREGORY L. WILDE
WILDE & ASSOCIATES
212 South Jones Blvd.
Las Vegas, Nevada 89107



Entered on Docket
August 23, 2010

A handwritten signature in black ink, appearing to read "L. B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

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Lodged on _____

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Systems, Inc.

Client No:

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEVADA

In re

MICHAEL T. GRIMMETT and
JENNI F. GRIMMETT,

Debtors.

Bk. No. 10-14658-lbr

Chapter 13

ORDER GRANTING RELIEF FROM
AUTOMATIC STAY RE PROPERTY
LOCATED AT 3120 TARPON DRIVE #103,
LAS VEGAS, NV 89120

Date:
Time:

Movant's Motion for Relief from the Automatic Stay having come on for hearing in the
above-entitled Court. ALL APPEARANCES WERE AS NOTED ON COURT RECORD.

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

1 Argument having been heard, and based upon all the papers and pleadings on file herein and good
2 cause appearing therefore,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the relief from the
4 Automatic Stay relief from the Automatic Stay in the above-entitled bankruptcy proceeding is
5 granted for all purposes as to Movant, BAYVIEW LOAN SERVICING, LLC, servicing agent for
6 Mortgage Electronic Registration Systems, Inc., and Movant as to the subject property, generally
7 described as 3120 TARPON DRIVE #103, LAS VEGAS, NV 89120, and legally described in
8 Exhibit "A", attached hereto ("property" herein).

9 IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon entry of this Order,
10 that the Trustee shall cease payment on Movant's proof of claim. Movant's proof of claim is
11 allowed in the amount of payments made to date by the Trustee. Upon disposition of the
12 collateral, Movant may amend the said proof of claim and share in any distribution for the date of
13 the filing of the amended claim pursuant to the confirmed plan. The trustee is not required to
14 recover previous distribution from other creditors for distribution on Movant's amended claim.
15 This may result in a percentage of payment to Movant's amended claim different than that to other
16 creditors.

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Parcel I (Common Areas):

An undivided 1/40th interest as tenant-in-common in Common Elements in Phase 5 of AMENDED MAP OF PARADISE VILLAGE 1013 - UNIT 3 TOGETHER WITH ADDITIONAL ACREAGE, as shown by map thereof on file in Book 56 of Plats, Page 33 and by those certain Certificates of Amendments recorded June 2, 1993 in Book 930402 as Document No. 00832 and July 23, 1993 in Book 930723 as Document No. 01274, Clark County, Nevada.

Together with additional acreage as shown by map thereof on file in Book 61 of Plats, Page 42, in the Office of the County Recorder of Clark County, Nevada.

Excepting therefrom the following:

All Living Units and Association Property shown in Phase 4 of AMENDED MAP OF PARADISE VILLAGE 1013 - UNIT 3 TOGETHER WITH ADDITIONAL ACREAGE, of the Plat.

And reserving therefrom:

The right to possession of all those areas designated as Limited Common Elements; as shown upon the plat referred to above.

And further excepting therefrom for the benefit of the Owners of Condominiums in all subsequent phases in AMENDED MAP OF PARADISE VILLAGE 1013 - UNIT 3 TOGETHER WITH ADDITIONAL ACREAGE, non-exclusive easements on, over, and across the Common Elements and Association Property for ingress, egress, and recreational use, subject to the conditions set forth in the Notice of Annexation and Supplemental "Declaration" or Covenants, Conditions, and Restrictions for Canyon Willow recorded on June 24, 1993 in Book 930624, as Instrument No. 01681, Clark County, Nevada, Recorder.

Parcel II (Living Unit):

Living Unit 103 in Building 19, as shown upon the condominium plat referred to above.

Parcel III (Limited Common Element):

The exclusive right to use, possession, and occupancy of the Limited Common Elements described upon the Plat as Balconies, Patios, Entries/Stairways and Assigned Covered Parking Space (Limited Common Element) which are appurtenant to and for the exclusive use of Parcel II.

Parcel IV (Common/Association Property):

A non-exclusive easement on and over the Common Elements and Sub-Association and Master Association Property for access, use, occupancy, enjoyment, ingress, egress, and use of the amenities located thereon, subject to the term and provisions of the Declarant. This easement is appurtenant to Parcels I, II, and III above described.

EXHIBIT "A"

Parcel V (Phased Areas):

A non-exclusive easement for ingress, egress, and recreational use on and over Common Elements and Association Property in non-annexed phases which easement is appurtenant to Parcel I, II and III described above. This easement shall be effective only until recordation prior to expiration or right to annex, or a Declaration of Annexation declaring the phases to be subject to the Declaration or expiration of the right to annex.

Parcel VI (Homeowners' Association):

One Owner's Membership in Paradise Village Master Association, the Master Association, and one Owner's membership in Canyon Willow Owners' Association, a Nevada non-profit corporation, the Sub-Association, hereinafter called the "Association".

1 IT IS FURTHER ORDERED, ADJUDGED and DECREED that Movant shall give
2 Debtors at least seven business days' notice of the time, place and date of foreclosure sale of the
3 subject property in compliance with the notice requirements set forth in Chapter 107 of Nevada
4 Revised Statutes.

5 Submitted by:

6 WILDE & ASSOCIATES.

7
8 By  #10235

GREGORY L. WILDE, ESQ.

9 Attorneys for Movant
10 208 South Jones Boulevard
11 Las Vegas, Nevada 89107

12 APPROVED AS TO FORM & CONTENT:

13
14 By _____
15 Kathleen A. Leavitt
16 Chapter 13 Trustee

17
18
19 By _____
20 Narrah F. Newark
21 Attorneys for Debtors

22 S:\orders\NV\13BL\South.grimmett.ORD.doc
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1 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
6 any unrepresented parties who appeared at the hearing, and each has approved or
7 disapproved the order, or failed to respond, as indicated below [list each property and
8 whether the party has approved, disapproved, or failed to respond to the document]:

9 ☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
10 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
11 order.

12 Debtor's counsel:

13 ☐ approved the form of this order ☐ disapproved the form of this order

14 ☐ waived the right to review the order and/or ☒ failed to respond to the document

15 ☐ appeared at the hearing, waived the right to review the order

16 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

17 Trustee:

18 ☐ approved the form of this order ☐ disapproved the form of this order

19 ☐ waived the right to review the order and/or ☒ failed to respond to the document

20 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
21 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
22 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
23 respond, as indicated below.

24 Debtor's counsel:

25 ☐ approved the form of this order ☐ disapproved the form of this order

26 ☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor

GREGORY L. WILDE NV Bar No. 004417
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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEVADA

In re

MICHAEL T. GRIMMETT and
JENNI F. GRIMMETT,

Debtors.

Bk. No. 10-14658-lbr

Chapter 13

CERTIFICATE OF SERVICE

Date: 6/16/2010

Time: 10:30 am

On 8/26, 2010 (date) I served the following documents(s) (specify):

NOTICE OF ENTRY OF ORDER GRANTING RELIEF FROM AUTOMATIC STAY

I served the above-named document(s) by the following means to the persons as listed
below:

(Check all that apply)

■ a. ECF System (You must attach the "Notice of Electronic Filing", or list all persons and
addresses and attach additional paper if necessary)

Kathleen A. Leavitt, courtsecf3@las13.com
Narrah F. Newark, Bk@nnbklaw.com

■ b. United States mail, postage fully prepaid
(List persons and addresses. Attach additional paper if necessary)

Debtors:
Michael T. Grimm
Jenni F. Grimm
408 Crater Court
Henderson, NV 89014

Junior Lienholder:
Wells Fargo Bank Nv Na
PO Box 31557
Billings, MT 59107

☐ c. Personal Service (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. By direct mail (as opposed to through the ECF System)

(List persons and email addresses. Attach additional paper if necessary)

Based upon the written assignment of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. By fax transmission

(List persons and fax numbers. Attach additional paper if necessary)

Based upon the written assignment of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. By messenger

(List persons and addresses. Attach additional paper if necessary)

I served the document(s) by placing them in an envelope or package addressed to the persons
at the addresses listed below and providing them to a messenger for service.

(A declaration by the messenger must be attached to this Certificate of Service).

I declare under penalty of perjury that the foregoing is true and correct.

Signed on (date): 8/26, 2010

G GRIMMETT
(NAME OF DECLARANT)

[Signature]
(SIGNATURE OF DECLARANT)